

May 10, 2004

**City of Milton-Freewater
City Council Minutes**

Prior to the regular Council meeting, a special dedication ceremony was hosted on Monday, May 10, 2004 at 6:30 p.m. for the newly renovated Milton Substation on College Street and NE 14th Street. Mayor Lewis Key and Electric Superintendent Mike Charlo spoke at the dedication event saying how pleased they were with the work done by City crews in both the Electric and Public Works departments, and were also able to do the work within budget and without additional financing.

The Council of the City of Milton-Freewater then met in regular session on Monday, May 10, 2004 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Key, Councilors Saager, Humbert, Woods, Records, Kelley and Youth Representative Miller. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Finance Director Dave Richmond, Fire Chief Sam Hubbard, Public Works Superintendent Howard Moss and Police Chief Mike Gallaher. Citizens present were Jon McFarland, Irwin Abell, Mary Shelton, and Wayne Kinney of Senator Ron Wyden's office. Councilor Orrin Lyon was out of town.

Members of the press present were Jeanette McKibben of the Blue Mountain Pioneer and Melanie Hall of the Valley Herald.

MAYOR'S PROCLAMATION Declaring Rotary Week. Mayor Lewis Key proclaimed the week of June 1, 2004 as Rotary Week in Milton-Freewater and that the local chapter has completed 75 years of good deeds and services for the City of Milton-Freewater.

MAYOR'S PROCLAMATION Proclaiming Gratitude for our Local National Guard Unit and their Deployment. Mayor Lewis Key proclaimed gratitude for our local National Guard unit's deployment into active duty on foreign soil.

UPDATE Wayne Kinney of U.S. Senator Ron Wyden's office. Wayne Kinney, Field Representative from U.S. Senator Ron Wyden's office gave council, staff and citizens and update regarding the status with Sykes, Inc. Mr. Kinney stated the letter from Mr. John Sykes came to the senator's office along with the reply to the City. Mr. Kinney said he did not believe anyone was surprised by the reply, which basically said the building and land was not theirs to give as it would be up to the shareholders. Mr. Kinney further said all affected were pleased with the contract Sykes obtained with Qwest, so there will be a few more months to see what happens. Mr. Kinney asked how many were working there now. City Manager Delphine Palmer said she believed approximately 220. Mr. Kinney then stated that related to the Sykes issue, Senator Wyden proposed an amendment to the Trade Adjustment Act last week and was so noted in the newspaper. The proposal received 54 votes, but needs 60 votes as the 54 votes is not enough in the

senate. The Trade Adjustment Act, which was passed about 40 years ago, covers manufacturing jobs lost to foreign countries. Senator Wyden and others wanted to add technology jobs to the act. A senator from Oklahoma raised a point of order on budget issues according to the congressional budget act. Any amendment or legislation that has a budget impact must be justified. The supporters of the bill believed they had taken care of this, but the senator from Oklahoma did not see it that way so he raised the point of order which needs to get to 60 votes and it did not. It is sort of curious, the senator from Oklahoma was very willing to support tax breaks for companies that export jobs, but called it socialism when somebody affected by exported jobs may need help with new training and health care. This is an important issue with Senator Wyden and he will fight it all the way to get this to work because the jobs that are being lost are all technology related. There is a group that has been formed, and Mr. Kinney hoped he had the name correct as "The Committee to Support the Economy and Save American Jobs." Washington [D.C.] supports exporting jobs.

Mr. Kinney also reported that the Veteran's Administration made its decision recently regarding the Walla Walla Medical Center, which decision was to delay the decision. The recommendation was to close the facility and contract the patients out, but the services needed were not available. A new study is needed and will be done officially in January to accomplish the original goal to contract out services and close the facility. The problem is psychiatric care is further west, so veterans in eastern Washington and Oregon will have even further to go for treatment and there seems to be a sensitivity towards this issue. Mr. Kinney stated that veterans and communities both need to communicate to the Veteran's Administration what they want.

Another issue is the possible closing of the National Guard unit here. Mr. Kinney stated he will be checking to determine what the nature of this issue is and how solid the decision is, but reported the community could expect Senator Ron Wyden to address the issue.

CONSENT CALENDAR ITEMS: The consent calendar included minutes from the April 26, 2004 council meeting. Councilor Kelley moved to adopt the consent calendar. Councilor Woods seconded the motion which passed unanimously.

Mayor Key announced this was the opportunity for citizens to approach the council with issues not on this agenda.

Jon McFarland, Executive Director Milton-Freewater Chamber of Commerce, stated he was part of the local committee to retain the Walla Walla Veteran's Administration Medical Center.

Mr. McFarland reported there will be a parade on May 15th beginning at 11:00am at the Dollar Store in honor of the local National Guard deployment. The other event is the Elks Spaghetti Feed at 2:00pm on May 16th. Mr. McFarland stated that the deployment ceremony has not been confirmed, but asked for a copy of the Mayor's Proclamation to take to Salem for the deployment event there.

NEW BUSINESS

RESOLUTION NO. 1955 Pay Plan Minimum Wage Adjustment for the Aquatic Center.

Assistant City Manager Linda Hall stated this was a result of Oregon State raising the minimum wage on January 1, 2004 from \$6.90 per hour to \$7.05 per hour. There was one position in our Aquatic Center that was listed as \$7.00 per hour. Due to legal ramifications, staff recommends the adoption of this resolution.

Councilor Saager moved to adopt Resolution No. 1955 to Amending the Aquatic Center Pay Plan Minimum Wage Adjustment. Councilor Humbert seconded the motion which passed unanimously.

CONSIDERATION of Citizen Request to Amend City Code Section 8-1-7-8 Regarding

Length of Stay for RV's on Private Property. Assistant City Manager Linda Hall stated this issue had been before council and staff for a couple of months. Two private property owners, Mary Shelton and Irwin Abell, have had some disagreements on various subjects including property line disputes, trespassing allegations, vandalism allegations, locations of sheds and buildings, trees, sewer and water line complaints and locations, and most recently at the last council meeting Mary Shelton brought forth a complaint about the length of stay for guests staying on the private property of Mr. Abell, where he has installed sewer and water hookups to accommodate his guests who will stay in RVs on Mr. Abell's property. According to City Code, RVs on private property are limited to 14 days once in any calendar year. Mr. Abell had this drawn to his attention, and was obviously disappointed as he had invited his guest to stay for the summer. Mr. Abell asked for a variance, but Ms. Hall said there was no variance for this type of code as it is not a zoning code, but a police regulation. Mr. Abell asked if there were any other avenues to explore, and Ms. Hall said the only avenue with this particular code would be to ask council to amend their code to allow RVs to stay longer than the current 14 days on private property. Mr. Abell submitted the attached letter which was included in all council packets asking that council consider amending or allowing an exception to the city code.

Irwin Abell, 109 SE 18th, referred to Ms. Hall's appraisal of this issue stating that it does go back to when the property was purchased and then found he had a portion of a vacated alley. Mr. Abell said he wanted to have a fence around his property to keep his dogs home, but that this is a civil matter and not appropriate to address here as it should work itself out after the property is surveyed. Mr. Abell addressed the real issue this evening saying the purpose of the extended stay was for a friend, of whom he had worked with, offered to help upgrade the property Mr. Abell purchased, and since there was significant work to be done, an extended stay would be required. Mr. Abell found after the complaint that there was a police regulation. Mr. Abell stated he expressed his point of view in his letter to council, but added that he felt it appropriate and even wise for council to reevaluate this code. Having the police come to the property and tell people they cannot stay any longer is offensive, and Mr. Abell said it would have been to him if Ms. Hall had not phoned and informed Mr. Abell that an officer would be coming out. Mr.

Abell said he thought it beneficial to the City to welcome RV users because of the influx into northern areas from the hot areas in Arizona.

Councilor Woods said he felt that if RV's had the prescribed setbacks so that police, fire and ambulance could make their way through, he would not have a problems with an extended stay; however, he did say he felt this should come under a zoning issue versus a police so that something could be done about extensions.

Councilor Humbert stated he was not opposed to changing the code, but also stated he would have to abstain from voting on this issue as he was related to one of the parties. Councilor Humbert further said he felt the issue should be a planning or zoning issue versus a police issue. Councilor Humbert said he was opposed to having permanent hookups for RVs on private property as this is what parks are for.

Councilor Saager said he was on council when this municipal code was adopted previously and that the code is in place because 10 to 15 years ago, there began a trend of citizens having trailers, campers and motor homes and parked them in the front of their homes or in the alley behind. Then lawn chairs, kitchen tables and bicycles began to appear in the front area of some homes, which brought about many complaints. Councilor Saager said that Council must have done the right thing back then as there have not been any complaints brought forward to Council for 15 years and further said he did not see a reason to change the code now. Councilor Saager said he had three phone calls previously in the day saying not to change to code. Further, if the code is changed, Councilor Saager said his neighbor would park a trailer in front of their home and he does not believe this is what the citizens of Milton-Freewater want.

Police Chief Mike Gallaher stated that the police have a concern regarding this code as most of the enforcement actions the police department takes are from individuals using campers and trailers as their permanent residence. It has not been the police department's experience that these individuals are the temporary guest campers that cause this ordinance to be in effect so asked Council to consider the current request carefully.

Councilor Saager said that a motor-home was parked in front of a home for a little more than two weeks and there was an automobile parked directly across the street. A fire broke out where people were inside and the fire truck just barely got through. Councilor Saager stated he did not believe it was good to have any RV's parked on the street. The Fire Department complained to the Police Department and the motor-home was removed because it blocked emergency vehicles from passage.

Councilor Woods asked if there was an ordinance stating an RV could not be parked on a street. Police Chief Gallaher said there was, but says an individual can park on the street long enough for loading and unloading (72 hours), and is also subject to the restrictions from intersection to intersection and visibility requirements, but basically prohibited.

Fire Chief Sam Hubbard said it seemed as if Mr. Abell has a nice place for his friend to set up, but stated that he had seen the other side, and even in just the last year, there have

been two fires that have burned up these kinds of trailers with the electrical lines strung like a clothesline into the home and into a heater. The Fire Department had one injury last year involving this type of housing.

Councilor Humbert said he feels the same as Chief Hubbard, but reiterated that there should be a permit process through the Planning Department regarding a zoning issue versus the current police issue.

A discussion ensued.

Councilor Kelley said that after speaking with citizens this week, another problem is that people live in single-family zoned places because that is the kind of neighborhood they expect to be living in. They want an area with only single-family dwellings next door, rather than multiple families living on a single-family piece of property. Some of these citizens are not necessarily wealthy and may not be able to afford to stay in RV parks for an extended period of time. Councilor Kelley further stated that if individuals, such as Mr. Abell, want to have property they can have their friends stay on in their RV's, there is land available outside the city limits where the County regulates RVs differently than the City does, so supports the ordinance as it stands.

Councilor Records stated he sympathizes with Mr. Abell inviting his friends here for the summer; however, stated he would like to keep the ordinance as it is. It was established for a good purpose, therefore am in favor of keeping it.

Councilor Woods wanted Mr. Abell to understand that the opinions or decisions made this evening does not have anything to do with Mr. Abell as a person or whatever his conflict may be, but as a councilor, he has to decide what is good for the whole of the City and not for one individual.

Mr. Abell said this issue has nothing to do with his neighbor-dispute, but is brought about after reading the code and seeing some shortcomings regarding its verbiage. Mr. Abell further stated he agreed with Councilor Humbert in that there should be an avenue under zoning to ensure regulations.

Councilor Saager stated that most of the motor homes, trailers, fifth-wheels, etc. carry sizable propane tanks. This is an enormous risk to a firefighter and the area surrounding the tank because should a tank B.L.E.V.E. (Boiling Liquid Evaporating Vapor Explosion), it is a disaster. Councilor Saager also stated that Councilor Orrin Lyon, who is out-of-town this evening and will not have a vote on this issue, did call and said he would like to leave this ordinance as is.

Councilor Woods asked if council would be willing to lengthen the two-week time limit. Councilor Saager said no. Councilor Woods then asked if council should pursue a permit process as discussed earlier. Councilor Humbert stated he thought there should be a permit process for even one day if someone living in a single-family dwelling wants to have another family stay in a trailer on the same property. This way, police and fire

would be notified. City Manager Delphine Palmer stated that the City is limited in staffing, and with all the other permits, bookkeeping time, paper usage, police officer time, etc., this would be an additional burden on city staff. Youth Representative Miller added that citizens respect this code as there are only about 3 to 4 complaints annually, but also felt that in extreme circumstances, such as a death in the family where individuals may need more than two weeks to vacate a home, there should be an avenue to address these types of extenuating circumstances.

Councilor Records moved to keep the code as is. Councilor Saager seconded the motion which passed unanimously, with Councilor Humbert abstaining due to conflict of interest.

MANAGER'S REPORT – none.

COUNCIL ANNOUNCEMENTS

Councilor Records wanted Mr. Abell to know that he wrote a beautiful letter.

Councilor Humbert thanked all the city staff that worked on the budget and said it was greatly appreciated. Councilor Saager concurred.

There being no further Council business, the meeting was adjourned at 7:58 p.m.

Herb Saager, Council President